

## **REMARKS**

In the Office Action dated September 21, 2006, the Examiner rejected claims 13-14, 17-22, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over *Kuwabara et al.* (U.S. Pat. No. 5,909,439) in view of *Townsend et al.* (U.S. Pat. Pub. No. 2003/0009758). The Examiner further rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over *Kuwabara* in view of *Townsend* and in further view of *Levitan* (U.S. Pat. No. 5,864,823). Applicants have cancelled claims 27-30 because they were drawn to a non-elected invention. For the reasons given below, Applicants respectfully submit that the references fail to disclose, teach, or even suggest the presently claimed invention, and request that the rejection of the claims be withdrawn.

### **Present Application**

The present application includes a device for receiving a digital data signal, including national programming, local programming, and interactive content, that is not formatted as a standard television signal. The device processes the data in the data stream into full-motion video images and audio, and then converts that data signal into a television signal that includes national programming, local programming, and interactive content.

### **Rejections under 35 U.S.C. §103(a)**

Applicants submit that neither *Kuwabara* nor *Townsend* disclose or suggest a network operations center providing national television programming directed at the large geographic area, local television programming, and interactive content to create a digital data stream, as recited in amended claim 13. Furthermore, neither *Kuwabara* nor *Townsend* disclose or suggest

a device for receiving a digital data stream and transforming the data in the data stream into a television signal that combines national programming with local programming and interactive content, as presently recited in amended claim 13.

*Kuwabara* discloses a satellite communications system including a shopping service program in a TV broadcast. There is no disclosure of a local television programming in *Kuwabara*. Thus, *Kuwabara* does not disclose television programming directed at a large geographic area, local television programming, and interactive content to create a digital data stream. *Kuwabara* also does not disclose a device located at each remote location for receiving the digital data stream, the device transforming data in the data stream into a television signal that includes national programming, local programming, and interactive content. Therefore, for this reason, the rejection is improper and should be withdrawn.

*Townsend* discloses a receiver for television signals comprising video and information data. The receiver is responsive to viewer manipulation of the control device to vary the interactive image. See *Townsend*, Abstract. Although *Townsend* discloses interactive services tailored automatically to the viewers locality at paragraph 0074, *Townsend* does not disclose providing a digital data stream including the combination of television programming directed at a large geographic area, local television programming, and interactive content. Furthermore, *Townsend* does not disclose a device located at each remote location for receiving the digital data stream and transforming data in the data stream into a television signal that includes national programming, local programming, and interactive content. Thus, for this further reason, the rejection is improper and should be withdrawn.

The Examiner is also reminded that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested the claimed invention to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). In this case, there is no motivation to combine the teachings of *Kuwabara* with the *Townsend* reference to arrive at the presently claimed application. Therefore, taken either alone or in combination, *Kuwabara* and *Townsend* do not disclose the features of the present claims. Thus, for this further reason, the rejection is improper and should be withdrawn.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that all of the rejections of the pending claims be withdrawn. Applicants hereby earnestly solicit an early Notice of Allowance. If for any reason, the application is not considered to be in condition for allowance on the next Office Action and an interview would be helpful to resolve any remaining issues, the Examiner is requested to contact the undersigned at (312) 913-3334.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff LLP**

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By: /Jori R. Schiffman/  
Jori R. Schiffman  
Reg. No. 57,628

McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone No. 312-913-0001  
Facsimile No. 312-913-0002